

NOV 03 2008

PATENT
Docket No. 58614US002IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Oxman et al.) Group Art Unit: 3732
Serial No.: 10/643,748) Examiner: John J. Wilson
Confirmation No.: 4133)
Filed: August 19, 2003)
For: DENTAL ARTICLE FORMS AND METHODS

FACSIMILE TRANSMISSION TO THE PTO

Commissioner for Patents
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NUMBER: (571) 273-8300
Total Pages (including cover page): 4
Time: 5:30pm (Central Time)
(Transmission must be complete by
midnight eastern time.)

The following papers are being transmitted to the Patent and Trademark Office by facsimile
transmission: Reply Brief (3 pgs).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of
months to enter these papers and please charge any additional fees or credit overpayment
to Deposit Account No. 13-4895.

Mueeting, Raasch & Gebhardt, P.A.
Customer Number: 26813

November 3, 2008
Date

By: Ann M. Mueeting
Ann M. Mueeting
Reg. No. 33,977
Direct Dial (612)305-1217

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Facsimile Cover Sheet and the
paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the
Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Appeal Brief - Patents, P.O.
Box 1450, Alexandria, VA 22313-1450, on this 3 day of November, 2008, at 5:30pm
(Central Time).

November 3, 2008
Date

Signature: Sue Dombroske
Name: Sue Dombroske

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).

RECEIVED
CENTRAL FAX CENTER

NOV 03 2008

PATENT
Docket No. 58614US002IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	OXMAN et al.)	Group Art Unit: 3732
)	
Serial No.:	10/643,748)	Examiner: John J. Wilson
Confirmation No.:	4133)	
)	
Filed:	August 19, 2003)	
)	
For:	<u>DENTAL ARTICLE FORMS AND METHODS</u>		

REPLY BRIEF

Commissioner for Patents
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present Appeal was filed June 4, 2008, from the final rejection of claims 39 and 42-71 of the above-identified application under 37 C.F.R. §§1.113 and 1.191. This Reply Brief is presented in response to the Examiner's Answer mailed September 2, 2008.

Appellants present the following remarks in response to the Examiner's Answer for consideration by the Board in its review of this appeal and continue to request that the Board reverse the obviousness rejections of claims 39 and 42-71.

At page 8 of the Examiner's Answer, the Examiner stated: "This argument is disagreed with because the claim language calls for filing the reservoir with hardenable dental material which is clearly shown in Fig. 9 of Simor, cement being a hardenable dental material, and shows after filing the reservoir, the dental article "form" is reshaped, (note: appellant is arguing that the material is reshaped after the form is removed, however, as claimed in the last two lines of claim 39, it is the form that is reshaped. . . . Also, with respect to the step of removing the dental article form from the article, the claims do not given any specific chronology with respect to the other steps in the claims, . . ." This is not entirely clear, but to the extent Appellants' understand the Examiner's intent, the following is offered to clarify the claim language. It is submitted that

RECEIVED
CENTRAL FAX CENTER

NOV 03 2008

Reply Brief
Serial No.: 10/643,748
Confirmation No.: 4133
Filed: August 19, 2003
For: DENTAL ARTICLE FORMS AND METHODS

Page 2 of 3

Appellants' claim language (e.g., as recited in claim 39) "wherein the dental article form is reshaped while in the subject's mouth after filling the reservoir with the hardenable dental material" clearly indicates that the form is reshaped after filling it, therefore, the hardenable dental material within the reservoir is inherently also reshaped along with the form. Also, simply because this "wherein the dental article form is reshaped" clause is physically placed in the claim after the step of "removing the dental article form from the article" does not mean that this "reshaping" step occurs after the "removing" step. It is clear from reading the entire claim (e.g., as recited in claim 39) the "removing" step occurs after the dental article is formed. This cannot occur until after the reservoir of the dental article form is filled with the hardenable dental material, and the dental article form is reshaped while in the subject's mouth after filling the reservoir with the hardenable dental material. Also, Appellants again submit that a dental cement is not a hardenable dental material that forms a dental article upon removal of a form that shapes the dental article, particularly (as recited in claim 67) a dental article selected from the group consisting of a crown, an inlay, an onlay, a bridge, an orthodontic appliance, a maxillofacial prosthesis, and a tooth splint.

At page 9 of the Examiner's Answer, the Examiner stated: "The argument is disagreed with because, with respect to self-supporting, it is noted that in the actual claim language this is used to limit the dental article form, see first three lines of claim 39, and is not specific to the organic composition itself, . . ." This is not entirely clear, but to the extent Appellants' understand the Examiner's intent, the following is offered to clarify the claim language. It is submitted that the self-supporting language is not simply used to "limit the dental article form"; rather, claim 39 (lines 5-7), for example, clearly recites "wherein the organic composition gives the self-supporting structure its self-supporting and malleable characteristics, and further wherein the organic composition is dimensionally stable . . ." Thus, the claim language is clear that the organic composition itself is self-supporting and malleable.

RECEIVED
CENTRAL FAX CENTER
NOV 03 2008

Reply Brief
Serial No.: 10/643,748
Confirmation No.: 4133
Filed: August 19, 2003
For: DENTAL ARTICLE FORMS AND METHODS

Page 3 of 3

Summary

For the foregoing reasons, Appellants respectfully request that the Board review and reverse the rejections of claims 39 and 42-71 and that notification of the allowance of these claims be issued.

Respectfully submitted
By
Mueiting, Raasch & Gebhardt, P.A.
P.O. Box 581336
Minneapolis, MN 55458-1336
Phone: (612) 305-1220
Facsimile: (612) 305-1228

November 3, 2008
Date

By: Ann M. Mueiting
Ann M. Mueiting
Reg. No. 33,977
Direct Dial (612) 305-1217

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Appcal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of November, 2008, at 5:30pm (Central Time).

By: Sue Dombroske
Name: Sue Dombroske